

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re : Chapter 11
MARCUS LEE ASSOCIATES, L.P. :
Debtor : Bankruptcy No. 09-11037bf

MARCUS LEE ASSOCIATES, L.P. :
Plaintiff :

v. :

WACHOVIA BANK, N.A. :
Defendant : Adversary No. 09-0143

MERIDIAN OF VALLEY SQUARE :
CONDOMINIUM ASSOCIATION, INC. :
Plaintiff :

v. :

WACHOVIA BANK, N.A. :
Defendant : Adversary No. 09-0144

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ORDER
.....

AND NOW, this 23rd day of December 2009, for the reasons stated in the accompanying memorandum, it is hereby ordered as follows:

1. Defendant Wachovia's motion to dismiss Adv. No. 09-0144 is granted as the plaintiff therein has no third party beneficiary standing to assert claims against the defendant; and

2. Defendant Wachovia's motion to dismiss Adv. No. 09-0143 is granted, but the debtor/plaintiff is granted leave to amend its complaint in a manner consistent with Part VII of the memorandum. Any such amendment shall be filed and served on or before January 11, 2010.



BRUCE FOX

United States Bankruptcy Judge

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